

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

State of Oklahoma, et al.,

Plaintiffs,

v.

Tyson Foods, Inc., et al.,

Defendants.

05-CV-0329 GKF-SAJ

**DECLARATION OF KRISANN**  
**KLEIBACKER LEE**

I, KRISANN C. KLEIBACKER LEE, declare as follows:

1. I am one of the attorneys representing the Cargill Defendants in the above-captioned case.

2. I make this declaration based on my personal knowledge and in support of Defendants' joint response to Plaintiffs' motion in limine at Dkt. No. 2423 "Pertaining to Defendants' Arguments Suggesting that the State Must Prove Its Case Through Direct Evidence."

3. On February 5, 2009, Attorney General Drew Edmondson was interviewed on Public Radio Tulsa, 89.5 KWGS. Under the direction of my law firm, a publicly available recording of that interview obtained from the radio station's website was transcribed.

4. The following exchange took place during that interview:

Drew Edmondson: .... We have expert witnesses that will say in tracking the waste from the poultry houses all the way to the river that in their expert opinions without a doubt the bulk of the problem in the Illinois River Watershed is poultry, both in terms of the specific chemical make-up of the waste and in terms of the biological markers. And we will present that evidence at trial.

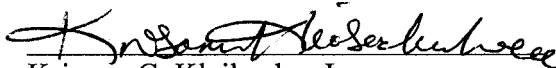
Rich Fisher: When you say you have DNA evidence can you say it goes from Poultry House A to a point in the creek, in the river, miles downstream?

Drew Edmondson: No, we cannot say that it comes from a particular house.

5. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: 20 August 2009

THIS CONCLUDES MY DECLARATION

  
Krisann C. Kleibacker Lee